

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TANIELLE SHURNEY,

Plaintiff,

vs.

No. CA 05-196 Erie
CIVIL ACTION
ELECTRONICALLY FILED PLEADING

**SCOTT'S ECONO INN, INC.
SCOTT'S SPLASH LAGOON, INC.**

**SEAN PIERCE, INDIVIDUALLY AND
IN
HIS CAPACITY AS A TROOPER OF
THE PENNSYLVANIA STATE POLICE**

**JOHN DOE, INDIVIDUALLY AND IN
HIS CAPACITY AS THE SUPERVISOR
OF TROOPER SEAN PIERCE OF THE
PENNSYLVANIA STATE POLICE**

Defendants

**DEFENDANT SCOTT'S SPLASH
LAGOON, INC.'S MOTION TO
DETERMINE ADMISSIONS**

Filed on behalf of Scott's Splash Lagoon,
Inc.

Counsel of Record for these parties:

Gary D. Bax, Esq.

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PA38520

JURY TRIAL DEMANDED

DEFENDANT SCOTT'S SPLASH LAGOON, INC.'S
MOTION TO DETERMINE ADMISSIONS

NOW COMES the Defendant, Scott's Splash Lagoon, Inc., by and through its attorneys, Murphy Taylor, L.L.C., and moves pursuant to F.R.C.P. 36(a) to determine and confirm the admissions of Plaintiff Tanielle Shurney, based upon the following:

1. Defendant Scott's Splash Lagoon, Inc. served its Request for Admissions to Plaintiff on January 19, 2006. A copy of the Request for Admissions with Certificate of Service is attached hereto as Exhibit A.

2. More than thirty days have passed with no answers or objections to the Request for Admissions from Plaintiff's counsel.

3. Accordingly, Defendant Scott's Splash Lagoon, Inc. respectfully requests that this Court order that the matters set forth in the Request for Admissions be deemed admitted.

WHEREFORE, Defendant Scott's Splash Lagoon, Inc. respectfully requests that this Court issue an order which deems admitted all of the matters set forth in this Defendant's Request for Admissions to Plaintiff.

Respectfully submitted,

MURPHY TAYLOR, L.L.C.

By: "s/"Gary D. Bax, Esq.

Gary D. Bax, Esq.

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Attorneys for Scott's Splash Lagoon, Inc.

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Defendants

CERTIFICATE OF SERVICE

Filed on behalf of Scott's Splash Lagoon,
Inc.

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JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Defendant Scott's Splash Lagoon, Inc.'s Motion to Determine Admissions was electronically served upon all counsel of record, this the 22nd day of February, 2006:

Respectfully submitted,

MURPHY TAYLOR, L.L.C.

By: "/s/ Gary D. Bax, Esq.

Gary D. Bax, Esq.

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